

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **ALAN NICHOLAS
FLEET ET AL**

Serial No.: **09/595,550**

Filed: **JUNE 16, 2000**

For: **CASE BASED DRILLING
KNOWLEDGE MANAGEMENT
SYSTEM**

§ Attorney Docket No.: **TA-00418.0**

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Examiner: **STEVENS, THOMAS H.**

Art Unit: **2123**

Confirmation No.: **1122**

Mail Stop OIPE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)**

Dear Sir/Madam:

The above-identified application became abandoned on February 18, 2006, after the Applicant had paid the issue fee and believed that all informalities in this matter had been addressed. Accordingly, the Applicant submits this Petition for Revival of an Application and herewith:

- (1) A reply required to the outstanding Office action or notice;
- (2) A petition fee of \$1,620.00; and
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Applicant notes that a terminal disclaimer (and fee as set forth in § 1.20(d)) is not required for the above titled application to be revived.

STATEMENT

Included with this petition is: (1) the petition fee of \$1,620.00; (2) a copy of the executed declaration on file in the assignment division (Exhibit B and D); (3) a statement that the entire delay was unintentional; (4) a response to the outstanding action; (5) an amended specification to include an abstract and a description of the drawings; (6) a statement under 37 CFR 3.73(b) giving the assignee the power to act; and (7) a newly executed power of attorney from the assignee.

Applicant recently became aware of the abandonment while conducting an internal audit, and initiated an investigation into the circumstances surrounding the above titled application's abandonment. Applicant discovered that the original attorney of record, Melvin Hunn, was diagnosed with Leukemia and ultimately died during the pendency of this application, as shown by Exhibit A. His death on July 10, 2005 corresponds with the timing of the USPTO's attempts to correspond with the attorney regarding informalities issues in the application. It appears in the wake of Mr. Hunn's death, his partner Mr. Kenneth Hill paid the issue fee on Applicant's behalf. However, Mr. Hill failed to take heed of the USPTO's correspondence on Mr. Hunn's behalf regarding informalities, failed to notify the Applicant of such Office correspondence, failed to respond to a Supplemental Notice of Allowability sent after Applicant's payment of the issue fee, and failed to respond to or notify Applicant of the Notice of Abandonment.

Moreover, Applicant's investigation of the Examiner's action found that the Supplemental Notice of Allowability sent from the USPTO requiring the Applicant's submit an executed oath and declaration, and the record, revealed that the action leading to the abandonment of the above titled application was, at least partially, issued in error. An oath or declaration in this matter was transmitted to the USPTO on November 14, 2000, as shown by the file record. The file record of

the declaration does not contain a signature page, however. Applicant discovered the signature page for this declaration was recorded with the inventors' assignment of the above titled application on November 17, 2000, at Reel/Frame 011288/0676 (Exhibit B). The executed declaration is attached as Exhibit D. In this regard, Applicant also notes that the Office failed to change the name Alan Fleet to Alan Flett per the declaration and assignment papers. A publication submitted as patent literature showing the Inventor as Alan Flett is attached as Exhibit C.

Accordingly, Applicant requests, through its newly appointed counsel, to revive this application.

Because the attorney of record died, because the abandonment was at least partially the result of USPTO error, and because of the circumstances that led to the abandonment stem from the highly improbable circumstances that an issue fee would be paid for an application that still had formalities issues pending, Applicant hereby states that the abandonment, and entire delay between abandonment and this petition, was unintentional, and petitions for revival of this application in response to the notification of Abandonment issued.

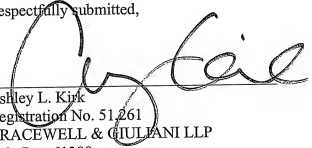
A credit card payment is being made with this submittal for the above cited fees in the amount of \$1,620.00. Again, since this application was filed on or after June 8, 1995, no terminal disclaimer is required.

Should there be any additional fees necessary for continued prosecution of this Application, the commissioner is hereby authorized to charge those fees to **Bracewell & Giuliani LLP's Deposit Account Number 50-0259 (9001RF.045342)**.

Date: _____

8/1/11

Respectfully submitted,



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